

**REMARKS**

The present amendment is submitted in response to the Final Office Action entered on April 22, 2008. Claims 10 and 17 were pending at the time of issuance of the Office Action. Claim 10 was rejected under 35 U.S.C. §103(a) as obvious in view of Japanese Pub. No. 2002-203321 issued to Honda et al. (Honda) in combination with U.S. Pat. No. 5,859,824 issued to Izumi et al. (Izumi). Claim 17 was rejected 35 U.S.C. §103(a) as obvious in view of Honda in combination with U.S. Pat. No. 4,723,234 issued to Katsuyama et al. (Katsuyama). Claims 10 and 17 are hereby amended. New Claims 19-22 are hereby added. Reexamination and reconsideration in view of the amendments and arguments submitted herein is respectfully requested.

**Claim 10 was rejected under 35 U.S.C. §103(a) as obvious in view of Honda in combination with Izumi. Claim 17 was rejected 35 U.S.C. §103(a) as obvious in view of Honda in combination with Katsuyama. Claim 10 is hereby amended to recite:**

*wherein the optical disk does not have a reflection layer under the label surface while the reflection layer is disposed under the recording face, and therefore a reflected light of the laser light applied to the label surface by the optical pickup is weaker than a reflected light of the laser light applied to the recording face, and wherein the switching of the gain of the focus servomechanism between the first case of recording the data on the recording face and the second case of recording the visible image on the label surface increases the light receiving gain at the label surface during the second case.*

Claim 17 is amended in a similar manner. Support for the amendments can be found throughout the specification, such as, for example, paragraph 45.

The Examiner previously used Izumi to invalidate recitations related to the switching of the gain of the servomechanism. Izumi discloses an apparatus that reads dual layer disks. Thus, Izumi teaches that the gain of a servomechanism is to be switched when reading data from different layers, in order to focus the laser light on different layers. However, Izumi does not mention any other purpose or effect of switching the gain.

As recited by amended claims 10 and 17, there is a second purpose for switching the gain. That is to "increase the light receiving gain at the label surface during the second case." This means to increase the energy density of received light at the label surface during the second case as compared to the energy density during the first case. This is done because, in the second case, the writing process does not benefit from reflected light as much as it does in the first case. This is the case because the label surface may not have mirror behind it, as opposed to the data surface (see Application, paragraph 45).

Izumi does not disclose the above discussed recitations. Furthermore, there is no reason for Izumi to be modified as recited in the present claims. In Izumi, both layers are on the same side of the disk. Therefore, presumably, they both have or lack a mirror layer behind them. Thus, in Izumi there is no discrepancy of having one surface that has a mirror layer behind it and another surface that does not. Consequently, there is no reason to modify Izumi according to the recitations of claims 10 and 18.

**New Claims 19-22 are hereby added.** Dependent claims 19 and 21 find support throughout the specification, such as for example in ¶¶ 33 and 37. Independent claims 20 and 22 include the limitations of claims 10 and 17, respectively plus additional recitations that find support throughout the specification, such as at ¶50.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicant requests that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5790 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any

required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032039600.

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Respectfully submitted,

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